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Trademarks Law^{*}

Law No. (33) of 1952

Article (1): Title and Effective Date

This Law shall be cited as the "Trademarks Law of 1952" and shall come into effect after the lapse of one month as of the date of its publication in the Official Gazette.

Article (2): Definitions

The following terms and expressions, wherever used in this Law, shall have the meanings hereunder assigned to them, unless the context provides otherwise:

The Ministry: The Ministry of Industry and Trade.
The Minister: The Minister of Industry and Trade.
The Registrar: The Trademarks Registrar.
The Register: The Trademarks Register.
The Trademark: Any visible sign used or to be used by any person to distinguish his goods, products or services from the goods, products or services of others.

**The Famous
Trademark:**

The trademark of international renown whose fame exceeded the country of origin in which it was registered, and which gained fame in the concerned sector of the public in the Hashemite Kingdom of Jordan.

**The Collective
Trademark:**

The sign used by a corporate person to verify the origin of goods not manufactured by same, or the materials from which they were manufactured, their quality, the method of their production, their manufacturing precision or other qualities and characteristics of the aforementioned.

^{*} This Law was published in the Official Gazette issue No. (1110) dated 1/6/1952, page number 243, and was amended by Law No. (25) of 1957, and Law No. (34) of 1999.

Article (3): The Trademarks Register

1) A register called the "Trademarks Register" shall be organized at the Ministry under the supervision of Registrar. All trademarks, names of the Proprietors, and their addresses thereof, and the following matters that may occur to those trademarks, shall be recorded therein:

1. Any assignment, relinquishment, or transfer of ownership, or license to use from its Proprietor to others. Confidential content of the licensing contract shall be excluded from registration.
2. Mortgaging or seizure of the trademark, or any other restriction on its use.

2) The public shall be permitted to examine the Trademarks Register in accordance with the regulations issued by the Minister for this purpose and shall be published in the Official Gazette.

3) A computer may be used to register the trademarks and their data. Data and documents taken from the computer and authenticated by the Registrar shall have the power of evidence against all.

Article (4): Merger of the Existing Register

The Trademarks Register existing at the date of this Law coming into effect shall be merged with the register stipulated in the previous Article, and shall be considered a complementary part thereof. Subject to the provisions of Article (30) of this Law the correctness of every original entry of a trademark entered into the Register after its incorporation in this fashion shall be determined in accordance with the Law in force upon its registration. Such trademarks shall maintain their original date, however, in all other aspects they shall be considered trademarks registered in accordance with this Law.

Article (5): Inspection of the Register and Obtaining Extracts Therefrom

The public shall be permitted to examine the Register kept in pursuance to this Law at all convenient times, subject to the regulations, which may be issued in this regard. A copy of each original entry in the Register shall be given to each person requesting same upon the payment of the stipulated fee.

Article (6): Request to Register a Trademark

Each person wishing to exclusively use a trademark to distinguish goods produced, manufactured or selected by him, or which was certificate was issued of, or the goods which same trades with or

intends to trade with may request the registration of this mark in accordance with the provisions of this Law.

Article (7): Trademarks Eligible for Registration

- 1) A trademark shall have a distinctive characteristic in terms of names, letters, numbers, shapes, colors or others, or any collection thereof, which can be visually recognized.
- 2) For the purposes of this Article the word "distinctive" shall mean that the trademark is placed in a manner that shall ensure distinguishing the goods of the Proprietor from the goods of others.
- 3) Upon settling whether a trademark is distinctive in accordance with the foregoing the Registrar or Court, if the trademark is actually in use, may take into account the length of the period which rendered the use of this trademark truly distinguishable for the registered goods or the goods whose registration is intended.
- 4) The trademark may be entirely or partially limited to one or more particular color. In such a case the Registrar or the Court shall take into account when settling the issue of the trademark having distinctive characteristic whether same is limited to those colors. The trademark shall be considered registered in all colors if same is registered without limiting it to a particular color.
- 5) The registration of a trademark shall be limited to certain goods or special classes of goods.
- 6) The Registrar shall settle any disagreement arising as to the class of any goods and his decision shall be final.

Article (8): Marks which May not be Registered as Trademarks

The following may not be registered:

- 1) Marks that are similar to His Majesty the King's Emblem or Royal Insignia or the word Royal or any words, letters or other drawings that may lead to the believe that the applicant enjoys Royal patronage.
- 2) The emblem or medals of the Hashemite Kingdom of Jordan's Government or foreign states or countries unless authorization is granted by the competent authorities.
- 3) Marks that signify an official capacity unless the competent authorities to whom the mark belongs or which supervises same demanded its placement.
- 4) Marks that are similar to the national flag or military or naval flags of the Hashemite Kingdom of Jordan or its honorary medals or insignia or national military and naval flags.

- 5) Marks that include the following words or terms: "concession", "having concession", "royal concession", "registered", "registered design", "printing right", "imitation shall be considered forgery", or any similar words and terms.
- 6) Marks contrary to public order and morality or which may lead to deceiving the public or marks that may encourage unfair commercial competition or that indicate a false origin.
- 7) Marks comprised of numbers, letters or terms normally used in trade to distinguish goods types and classes or marks which describe the type, variety or words which usually indicate a geographical meaning, or surnames unless presented in a special manner, provided that the aforesaid in this paragraph does not prohibit the registration of marks which are of the nature described herein shall same have a distinctive characteristic in pursuance to the meaning specified in paragraphs (2) and (3) of Article (7).
- 8) Marks identical or similar to any emblem of religious significance.
- 9) Marks containing the photograph or name of a person, or the name of his commercial shop, or the name of a company, or commission unless the consent and approval of the said person or commission is secured. The Registrar may request the consent of the legitimate representatives of people who have recently passed away.
- 10) A mark which is identical to that of another person who has previously registered same for the same goods which the mark is intended for or to a class therein or the mark which is similar to that mark to a degree that may lead to the deception of others.
- 11) Marks which are identical or similar to the Red Crescent or Red Cross on a white background or the insignia of the Red Cross or Geneva Cross.
- 12) A trademark which is identical or similar to, or is a translation of a famous trademark for use in distinguishing goods similar or identical to the goods for which it became famous and which shall create confusion with the famous mark or for use for goods other than that in a manner which may damage the interests of the Proprietor of the famous trademark and which may suggest a relation between the Proprietor and that goods. In addition, marks that are similar or identical to honorary emblems, flags, other insignia and names or abbreviations of international or regional organizations or insignia that insult our historical, Arab and Islamic values.

Article (9): Name or Description of Goods

Should the name of any good or its description be fixed in any trademark, then the Registrar may reject to register that mark for any goods other than the named or described goods, as previously mentioned. However, if the name or description of the goods was fixed in the trademark and same varied in use then the Registrar may permit the registration of that trademark and verify the name or description for goods other than that named or described if the registration applicant referred to a difference between the name and description.

Article (10): Collective Trademark

1) The Registrar may register a collective trademark if it meets the description set in paragraph (1) of Article (7) of this Law. It shall be considered a trademark in all respects belonging to the corporate person for whom it was registered.

2) Transferring the title of the collective trademark, its re-registration after its cancellation, or the abandonment of its use shall not be permissible unless same is achieved in the name of the corporate person in whose name it was originally registered or the name of his legal successor.

3) A mark may be registered for non-commercial purposes such as the emblem of a public benefit commission, or the emblem used by a vocational institution to distinguish its correspondence, or to become a badge for its members. Such marks shall be treated as collective marks.

4) Conditions of registering collective marks and the rest of the regulatory issues related thereof shall be set in pursuance to regulations issued by the Minister for this purpose and shall be published in the Official Gazette.

Article (11): Trademark Registration Application

1) Each person claiming to be the Proprietor of a trademark used or is intended for use and wishes to register same shall present a written application to the Registrar in accordance with stipulated principles.

2) The Registrar may, in accordance with the provisions of this Law, reject such an application or accept it wholly without any restriction or condition or may announce its acceptance in pursuance to conditions or amendments or modifications to the manner of its use or the place of its use or any other matters.

3) Should the Registrar reject the registration of a trademark then his decision may be appealed to the High Court of Justice.

4) The Registrar or the High Court of Justice may at any time correct any mistake in the application or in what is related to same, whether before the acceptance of the application or afterwards, or entrust the applicant to amend his application based on conditions set by the Registrar or the High Court of Justice.

Article (12): Waivers

Should the trademark include frequently or rarely used matters in trade and did not have an apparent feature then the Registrar or the High Court of Justice may, upon deciding whether that trademark should be registered or keep same registered, assign the Proprietor as a condition for keeping same in the Register, to waive any right in the independent use of a part or parts of that trademark or all of those matters or any part thereof, which the Registrar or the Court deem that he has no right thereof or to make any other waiver which the Registrar or Court deem necessary to specify the rights of the Proprietor in that registration, provided that any waiver realized by the Proprietor of the right in the Register does not effect any of his rights except to the extent resulting from the registration of the trademark in whose respect the waiver was realized.

Article (13): Application Publication

The Registrar, upon accepting the registration application of any trademark, whether the acceptance occurs in an absolute manner or a manner restricted by some conditions and restrictions, shall announce the manner in which he accepted same, in the nearest possible time and in accordance with the stipulated principles. This announcement shall include all the conditions and restrictions by which the application was accepted.

Article (14): Objection to the Registration

1) Any person may object with the Registrar to any registration of a trademark within three months as of the date of the publication of the announcement of submitting the application or during any other period set for that purpose. However, if the publication of the application announcement occurs prior to this Law coming into force, then the period, during which an objection can be made, and the manner in which it may be presented shall be set in accordance with the provisions of the Trademarks Law in force on the date of publishing the announcement.

2) The objection shall be submitted in writing in accordance with the prescribed principles and shall state the reasons for objections.

3) The Registrar shall send a copy of the objection to the registration applicant who shall send the Registrar a pleading in accordance with the stipulated principles, which shall include the justification of the applicant, which he presented for the registration of the trademark. Shall the applicant fail to do so then same shall be considered to have relinquished his application.

4) Shall the applicant send a pleading, then the Registrar shall send a copy to each objector to the registration and shall decide whether to allow the registration and the conditions to which it shall be subject after listening to the parties, if the need arises, and examining the information submitted by each party.

5) The decision issued by the Registrar may be appealed at the High Court of Justice.

6) The appeal made in pursuance to this Article shall be submitted within twenty days as of the date of the Registrar's decision. Upon examining the appeal, the High Court of Justice shall listen to the parties and the Registrar, should there be reason to, and shall issue a decision in which it shows whether there is reason to permit the registration and the conditions to which it shall be subject.

7) Upon examining any appeal, such as this, any party may, either in accordance with the stipulated principles or after acquiring a special permit from the High Court of Justice, present any additional evidence for the Court to examine.

8) Upon submitting an appeal in pursuance to this Article, the Registrar or objector shall be prohibited from stating additional reasons other than the objection reasons stated by the objector in pursuance to the previous provisions unless the High Court of Justice examining the appeal allows that. Shall any additional appeal reasons be presented then the applicant may withdraw his application without being liable to pay the costs incurred by the opponent. This shall apply after the notification of the applicant of such action in accordance with the stipulated principles.

9) Upon the examination of the appeal filed in pursuance to this Article the High Court of Justice may, after listening to the Registrar's statements, permit the amendment of the trademark whose registration is requested in a manner that does not affect its uniqueness. In such a case, however, and before the amended trademark is registered, its amended form shall be announced in accordance with the stipulated principles.

Article (15): Date of Registration

1) Should the application for the registration of a trademark be accepted, shall there be no objection thereof and the period for objection lapsed, or if an objection is made to the application and same is dismissed then the Registrar shall register that trademark upon the payment of the stipulated fees unless the application was accepted by mistake or the Court has ruled to the contrary. The trademark shall be registered on the date of the application since same is the date of registration.

However, if the registration application was submitted in accordance with the provisions of Article (41) of this Law then the mark shall be registered as of the date of the submittal of the registration application in the foreign countries. For the purposes of this Article that date shall be considered the registration date.

2) Upon the registration of the trademark, the Registrar shall issue the registration applicant a registration certificate, in accordance with the set form.

Article (16): Registration Non-completion

Should the registration of a trademark not be completed within twelve months as of the application date as a result of the negligence of the applicant then the Registrar may, after notifying the applicant in writing of the non-completion of registration in accordance with the principles, consider same as renouncing his application unless the registration is accomplished during the period set by the Registrar in the announcement.

Article (17): Rival Claims to Identical Trademarks

Should a number of individuals request the registration of identical or very similar trademarks and those trademarks were related to the same goods or class, then the Registrar may reject the registration of any of these marks in the name of any of these individuals requesting registration, until the settlement of their rights.

1) Through reaching an agreement between them in a manner that the Registrar approves, or

2) Through the High Court of Justice that the Registrar refers to when such agreement cannot be reached.

Article (18): Concurrent Use of a Trademark

1) Should a person use through honest competition a trademark used by another person or shall there be other special circumstances by which the Registrar deems the registration of the same mark in the

name of more than one person correct, then the Registrar may permit the registration of same or any other marks similar thereof, for the same goods or class of goods in the name of more than one person subject to restrictions and conditions on the manner and place of its use and other matters, whose imposition he may deem correct.

2) The decision issued by the Registrar in pursuance to this Article may be appealed to the High Court of Justice, which shall enjoy upon examining the appeal, the same powers of the Registrar in pursuance to this Article.

3) The appeal pursuant to this Article shall be submitted within thirty days from the date of the Registrar's decision.

Article (19): Disposal of the Trademark

1) The title of a trademark may be transferred, relinquished or mortgaged without transferring the title of the business using the trademark to distinguish his goods or relinquishing or mortgaging it. Seizure of the trademark may also be done independently of the business.

2) The title of the trademark shall be transferred along with the transferal of the business if it is closely connected therewith unless agreed otherwise.

3) Should the title of the business be transferred without the transferal of the title of the trademark then the transferee of the title shall be entitled to continue using the trademark of the goods for which same was registered.

4) Transferring the title of the trademark or its mortgage shall not be considered as evidence against others, except as of the date of recording the transfer, or placing a mortgage sign in the Register. The aforementioned shall be published in the Official Gazette.

5) The procedures of transferring the title of the trademark its mortgage, seizure and the rest of the legal disposals regarding same shall be set in accordance with regulations issued by the Minister for this purpose and shall be published in the Official Gazette.

Article (20): Registration Duration

1) The duration of the ownership of the trademark rights is ten years as of the date of its registration, which may be renewed for similar periods in accordance with the provisions of this Law.

2) Trademarks, which have been registered, shall be renewed or which have been renewed before this Law coming into force upon the expiry of their duration for a period of ten years.

Article (21): Renewal of the Registration Duration

- 1) The Registrar shall renew the registration of the trademark upon the request of its Proprietor in accordance with the provisions of this Law.
- 2) Should the Proprietor of the trademark not request its renewal it shall be considered canceled from the Register upon the lapse of one year of the expiry of its registration period by force of Law. A third party may request the registration of this trademark in his name upon the lapse of another year.
- 3) The Proprietor of any trademark, which is considered canceled, may request its re-registration at any time unless it has been registered in the name of another.

Article (22): Cancellation of a Trademark for Non-use

- 1) Notwithstanding the provisions of Article (26) of this Law any person with interest may request the Registrar to cancel any trademark registered for another if the registrant did not actually use same continuously during the three years preceding the request unless the Proprietor of the trademark proves that its disuse is a result of special business circumstances or other justifiable reasons which prevented its use.
- 2) The use of a registered trademark by others with the consent of its Proprietor shall be regarded as use for the purposes of its continued registration in accordance with the provision of paragraph (1) of this Article.
- 3) The Registrar shall allow the two parties to present their pleadings before issuing his decision on the cancellation request. The decision may be contested at the High Court of Justice.

Article (23): Registration of the Assignment of Trademarks

- 1) When a person becomes the Proprietor of a registered trademark through assignment, transference or another legal transaction then same shall submit an application to the Registrar to register the aforementioned trademark in his name. The Registrar shall register the trademark in the name of that person when he receives this request and is convinced of the ownership and shall also enter the transfer, assignment or any other document related to the ownership of the trademark in the Register. Every decision issued by the Registrar in pursuance to this Article shall be subject to appeal at the High Court of Justice.
- 2) Except for any case appealed in pursuance to this Article, no document or deed, which has not been previously recorded in the

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Register in accordance with the provisions of the previous paragraph, shall be accepted as evidence to prove the ownership of a trademark, unless the Court decides otherwise.

Article (24): Alteration of a Registered Trademark

1) The Proprietor of a registered trademark may request the Registrar in the stipulated manner to grant him a license to add or alter the trademark in a manner that shall not affect its identity. The Registrar may refuse to grant this license or may authorize same subject to some restrictions and conditions, which he deems appropriate. This refusal or authorization shall be subject to appeal at the High Court of Justice.

2) Shall permission to enter an addition or affect an alteration be granted then the trademark shall be published in its altered manner in pursuance to the stipulated principles.

Article (25): Amendment of the Register

Notwithstanding the provisions of this Law:

1) Each person aggrieved as a result of not entering a record in the Register or as a result of canceling any record therein or entering a record therein without an adequate reason justifying its entry or as a result of maintaining a record in the Register in an incorrect or erroneous or incomplete manner may choose to either submit an application to the High Court of Justice in accordance to the stipulated principles or submit a preliminary application therewith to the Registrar.

2) The Registrar may, at any stage of the procedures, refer this application to the High Court of Justice, or may settle the disputed issue after listening to the concerned parties, provided that his decision is subject to appeal at the High Court of Justice.

3) The High Court of Justice may, in any procedures brought before it that are related to the correction of a record in pursuance to this Article, settle any issue which it deems necessary or appropriate to settle.

4) In the case of forgery in the registration of any registered trademark or its assignment or transfer the Registrar may submit a request to the High Court of Justice in pursuance to the provisions of this Article.

5) Each request submitted for the cancellation of a trademark from the Register as a result of the absence of a justification for registration in pursuance to the provisions of Articles (6), (7) or (8) of this Law, or as a result of unfair competition arising of registering

that trademark in regard to the rights of the applicant in the Hashemite Kingdom of Jordan shall be submitted within five years as of the registration of that trademark.

6) The decision issued by the High Court of Justice for the correction of the Register shall include an order to the party in whose favor the decision was issued to send a copy thereof to the Registrar after which the Registrar shall correct the Register in accordance with the content of the decision.

Article (26): Rights of the Proprietor of a Trademark

- 1)
 - a. The Proprietor of a legally registered trademark shall have the exclusive right to use same. The Proprietor shall also have the right to prohibit others from using identical or similar marks thereof, to an extent that may lead to confusion without his prior approval. Confusion shall be assumed in the case of using an identical trademark on similar products.
 - b. If the trademark is famous and unregistered then its Proprietor may request the competent Court to prohibit others from using it on similar or different products and services, on the condition that the use of the trademark indicates a relation between the products and services and the famous mark and the existence of a possibility of damage occurring to the interests of the Proprietor of that mark as a result of that usage. Confusion shall be assumed in the case of using the famous mark on similar products.
 - c. Should there be two or more persons registered as Proprietors of one trademark (or a mark very similar therewith) for the same goods then none of them shall be entitled for exclusive use in pursuance to the registration (except to the extent determined by the Registrar or the High Court of Justice). Otherwise each of shall have the same rights as if each was the sole registered Proprietor of that trademark.
- 2) The Proprietor of a trademark may authorize one or more persons in pursuance to a written contract documented with the Registrar to use his trademark for all or part of the goods of same. The Proprietor of the trademark shall have the right to continue in using his trademark unless agreed otherwise. The authorization period to use the trademark shall not exceed the stipulated period for its protection in pursuance to its registration.
- 3) Registration procedures of the authorization contract, its renewal, the geographical area for its application, its assignment, its cancellation and any other matters related thereto shall be stipulated

in pursuance to regulations issued by the Minister and published in the Official Gazette.

Article (27): Correction of the Register

The Registrar may, upon a request submitted to him by the Proprietor of a registered mark in accordance with the determined form:

- 1) Correct any mistake in the name of the Proprietor of the trademark or his address, or
- 2) Register any change that may occur to the name or address of the person registered as the Proprietor of the trademark, or
- 3) Cancel from the goods for which the trademark was registered any goods or class of the goods, or
- 4) Register any assignment or any memorandum related to the trademark should such an assignment or memorandum not enhance the rights which the current registration grants that mark, or
- 5) Cancel any restriction on any trademark recorded in the Register.

Each decision issued by the Registrar in pursuance to this Article may be appealed at the High Court of Justice.

Article (28): Amending the Register

1) The Minister of Economy may, upon the recommendation of the Registrar and the approval of the Council of Ministers, set from time to time, regulations and specify forms and generally resolve the matters which he deems necessary to authorize the Registrar to amend the Register whether through entering new records therein or canceling some records thereof, or changing same to the extent which the case necessitates to ensure conformity between the description of the goods or their classes therein of registered trademarks with any amended classification or an alternate classifying which he may decide to enter.

2) The Registrar, upon exercising any of the powers authorized to him in accordance with the aforementioned, shall not be entitled to affect any amendment to the Register that may cause the addition of any other goods, or any other goods class to the goods, or goods classes in which a trademark was registered prior to the date of the amendment directly. He shall also not be entitled to date the registration of any trademark for any goods prior to the date of registration, provided that the provisions of this paragraph not effect what may be related to goods which the Registrar believes that applying the provisions to will include an unjustifiable complication and that realizing the addition or advancing the date shall not include

a significant amount of the goods and shall not cause an important aggravation to the rights of any person.

3) For the purposes of the aforementioned, each proposal to amend the Register shall be notified to the Proprietor of the registered trademark, which shall be affected by the proposal. The Proprietor of the stated trademark shall have the right to appeal the proposal at the High Court of Justice, provided that the proposal is announced along with any amendment that may occur to same. Any person aggrieved as result of the proposed amendment conflicting with the provisions of the previous paragraph shall also have the right to submit his objection to the amendment of the Register. The decision of the Registrar regarding the issue of the stated objection shall be subject to appeal at the High Court of Justice. Provided that such proposed amendment is announced, with every change made thereof. Furthermore, any person aggrieved as a result of the proposed amendment conflicting with the provisions of the previous paragraph, may submit an objection over the amendment to the Registrar, and the decision of the Registrar in the subject matter of the mentioned objection, subject to appeal at the High Court of Justice.

Article (29): Registration as Evidence

The registration of a person as the Proprietor of a trademark shall be considered as an indication of the legality of the original registration thereof, and shall apply to all subsequent assignments and transferals in all legal procedures related to its registration.

Article (30): Trademarks Registered under Previous Laws

No trademark of those registered in the Register shall be eliminated or canceled as of the date of this Law coming into force, as a result of same, not being registrable in pursuance to the laws in force on the date of its registration and shall it be possible to register same in the pursuance to this Law. The provisions of this Article shall not subject any person to any liability as a result of any action or matter which occurred before this Law coming into force shall same not be liable in pursuance to the law in force at that time.

Article (31): Registrar's Right to Submit a Pleading to the Court

Shall a case be filed at the Court for the purpose of changing a record or correcting same then the Registrar may appear before the Court to present his opinion. The Registrar shall also appear before the Court if it orders same to do so. The Registrar may deliver a pleading instead of appearing before the Court. The pleading shall be signed

by the Registrar and shall include what same deems appropriate of details of the procedures taken before him in the disputed case or the reasons supporting his decision in the aforementioned case or the method which the office follows in cases or any other matters related to the case which came to his knowledge in his capacity as a Registrar unless the Court rules otherwise. Such a pleading shall be considered part of the evidence of the case.

Article (32): Registrar's Certificates Constitute Evidence

The certificate which indicates that same is issued with the Registrar's signature in regard to any record or order or object which the Registrar is delegated to realize in accordance with the provisions of this Law, or any regulation issued in pursuance shall be considered an indication to entering that record, its content and also whether that matter or object occurred or not.

Article (33): Penalty for Illegitimately Claiming the Registration of a Trademark

- 1) Each person falsely submitting a trademark as registered shall be penalized with a fine not exceeding fifty Dinars for each crime.
- 2) For the purposes of this Article a person shall be considered to having submitted a trademark as being registered, should he use the word "registered" in relation to that trademark, or any words that indicate explicitly or implicitly that the mark was registered.

Article (34): Unregistered Trademarks

- 1) No person shall have the right to file a case to claim compensations for any violation of a trademark unregistered in the Kingdom. However, same shall be entitled to submit a request to the Registrar to annul a trademark registered in the Kingdom by a person who does not own it, if the trademark was previously registered abroad, if the reasons that same claims are the reasons stipulated in paragraphs (6), (7), (10) and (12) of Article (8) of this Law.
- 2) The decision issued by the Registrar in pursuance to the provisions of this Article may be appealed before the High Court of Justice within sixty days as of the date of the notification of same.

Article (35): Cases of Violation

The Court examining cases of trademarks violation shall accept the current commercial transactions certificate in regard to the method of manufacturing the goods, which the trademark was registered for, or

any trademark or manufacturing method used in a legitimate manner by others in regard to those goods.

Article (36): Use of Name, Place of Business, or Description of Goods

The registration valid in pursuance to this Law shall not prohibit any person from actually using his personal name, the name of his business, or the name of one of his predecessors in business, or any real description of his goods, in regard to form and class.

Article (37): Right of Litigation

The provisions of this Law do not include what may affect the right to file a case against any person as a result of marketing goods as those of another or insuring the rights' of the Proprietors of the goods.

Article (38): Penalties

1) A person shall be punished with imprisonment for a period not less than three-months and not more than one-year or with a fine not less than one-hundred Dinars and not more than three-thousand Dinars or with both penalties, if same commits one of the following acts with the intention of deceiving:

- a. Counterfeited a trademark registered in pursuance to the provisions of this Law, or imitated same in a manner that shall lead to deceiving the public, or branded a counterfeited or imitated trademark inside the Kingdom on the same class of goods for which the trademark was registered.
- b. Illegitimately used a trademark owned by others on the same class of goods for which the trademark was registered.
- c. Intentionally sold, possessed or offered for sale goods carrying a trademark whose use is considered a crime in pursuance to clauses (a) and (b) of this paragraph, and had prior knowledge of this.

2) Notwithstanding the provisions of paragraph (1) of this Article, persons who sell, offer for sale or possess for the purpose of sale goods carrying a trademark whose use is considered a crime in pursuance to clauses (a) and (b) of paragraph (1) of this Article shall be punished with a fine not less than fifty Dinars and not more than five-hundred Dinars.

3) The provisions of paragraph (1) of this Article shall apply to any person who was about to commit any of the actions stated herein or aided or abetted in its realization.

Article (39): Confiscation or Destruction of Goods

1) The Proprietor of a trademark registered in the Kingdom at the time of filing his civil or criminal lawsuit, or during examining same, may request the Court to carry out the following, provided that his request is accompanied with a bank or monetary guarantee acceptable to the Court:

- a. Halt the violation.
- b. Precautionary seizure of the goods that are subject to the violation wherever found.
- c. Preservation of evidence related to the violation.

2) a. Before filing a civil or criminal lawsuit, the Proprietor of the trademark claiming violation may request the Court to affect any of the procedures stipulated in paragraph (1) of this Article without notifying the defendant, if he proves that he is the Proprietor of the trademark and that his rights have been violated, or that a violation has become imminent and may lead to damage befalling same, which may be difficult to prevent shall it occur, or should he fear the loss or destruction of the evidence, provided that the requests are accompanied with a bank or monetary guarantee acceptable to the Court. The defendant or the accused, as the case may be, may object to that decision within eight days as of the notification date or his understanding of same.

b. If the Proprietor of the trademark fails to file his case within eight days as of the date of the Court answering his request, then all procedures realized in this regard shall be annulled.

3) The defendant may demand a just compensation should the result of the case confirm that the plaintiff was not rightful in his case or that the plaintiff did not register his case within the stipulated period.

4) The Court may decide the confiscation of the goods, packaging, wrapping and advertising material, billboards, seals and other tools used in a principal manner to print the trademark on the goods or in committing the violation or from which the violation stemmed. The Court may order their destruction or disposal for non-commercial purposes.

Article (40): Discretionary Powers of the Registrar

Should the Registrar be assigned, in accordance with this Law or any regulation issued in pursuance, a discretionary power or any other power, then same shall not be entitled to exercise that power against the interest of the registration applicant, or the Proprietor of a registered trademark without listening to the statements of the applicant or registered mark Proprietor (If the Registrar is entrusted

therewith in accordance with the principles and within the prescribed period).

Article (41): Trademarks Registered Abroad

1) If the Kingdom is bound by a bilateral international agreement or party to an international convention which grants reciprocal protection to trademarks registered with any of them, then any citizen of the member countries of the agreement or convention may submit an application to the Registrar to protect his trademark and shall have priority over those who previously filed an application in the Kingdom, provided that the application is deposited with the Registrar within six months as of the following day to the date of depositing the application with the competent authority in his country. In such a case, the registration date in the Kingdom shall be the date of submitting the registration application of the trademark in that country and same shall not be entitled to file a civil or criminal case prior to the real date in which his trademark was registered in the Kingdom.

2) The provisions that shall ensure the temporary protection of trademarks on goods exhibited in national or international exhibitions held in the Kingdom shall be prescribed in accordance with a regulation issued for this purpose. The aforementioned shall not extend the previously mentioned priority deadlines.

Article (42): Trademark Registration Procedures

A trademark application shall be submitted, pursuant to the previous Article, in the same manner, which the regular application is submitted in pursuance to the provisions of this Law, if same has previously submitted an application for its registration in its country of origin in accordance with the principles.

Article (43): Services' Trademarks

All the conditions and provisions stipulated in this Law which are related to trademarks distinguishing goods or products shall be applied to marks distinguishing services.

Article (44): States Party to International Agreements and Conventions

The provisions of Articles (41) and (42) of this Law shall be applied to foreign countries, which the Jordanian Government, through a decision issued by the Council of Minister, declares to be subject thereof.

Article (45): Authorities of the Council of Ministers

The Council of Ministers upon His Majesty the King's approval may issue from time to time regulations necessary to implement the provisions of this Law generally and for the following purposes especially:

1. Decide the fees payable in pursuance to this Law.
2. Classify the goods in regard to the trademarks registration or the request for the submission of copies thereof.
3. Regulate the performance of the office in general in regard to the trademarks and the remainder of the matters whose supervision and administration the Law entrusted the Registrar.

Article (46): Fees

- 1) Fees, stipulated by a regulation, shall be levied on applications and registration and other current matters in pursuance to this Law.
- 2) All fees, which are levied in accordance with the aforementioned regulation, shall be paid to the Registrar who in turn shall pay same to the Ministry of Finance.

Article (47): Cancellations

- 1) The Jordanian Trademarks Law of 1930 and all its amendments shall be cancelled.
- 2) The Palestinian Trademarks Law No. 35 of 1938 and all its amendments shall be cancelled.
- 3) Every Jordanian and Palestinian legislation, issued before the promulgation of this Law, shall be cancelled, to the extent by which the provisions of those regulations conflict with the provisions of this Law.

Article (48): Persons Responsible for Applying this Law

The Prime Minister and the Ministers are responsible for the implementation of the provisions of this Law.

